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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,499	12/19/2003	Akram A. Bou-Ghannam	BOC9-2003-0086 (457)	6308

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EXAMINER

CAO, DIEM K

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/741,499

Applicant(s)

BOU-GHANNAM ET AL.

Examiner

Diem K. Cao

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/23/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-10 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7 and 10 are directed to machine and/or manufacture claims, however, both claims fail to cite any physical article or object and therefore, fail to meet the requirements of being a machine or manufacture.

Claims 8-10 depend on claim 7, and do not overcome the deficiency of claim 7, and therefore, are rejected under the same rejection.

See MPEP 2106 and 2107.

Specification

3. The disclosure is objected to because of the following informalities: The abstract cites "shared memory are" on line 6, which has a typo, "a shared memory area" should be used instead.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 and 12-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation " said activated modality component " in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 2 recite "the modality component" on line 1 and 2, respectively, which is not clear as to which modality component it refers to, i.e., each modality component or "activated modality component".

Claims 12 and 13 suffer the same problem in claims 1 and 2 above.

Double Patenting

6. Claims 3, 8, 14 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 11 and 21 of copending Application No. 10/741,997. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: they are all directed to the same matter even though claim text might be different, i.e., registering a plurality of modality components, wherein each of modality component handles an interface modality for an application, and for each modality component, establishing a list of activation conditions such that at least one operation of the modality

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component is fired when one of the activation conditions is met, connecting at least one activated modality to a device, and conveying user interaction from the device to the modality component for processing.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-4, 6-15 and 17-18 are rejected under 35 U.S.C. 102(e) as being unpatentable over Cheyer et al (U.S. 7,069,560 B1).**

As to claim 1, Cheyer teaches a method for managing multimodal interactions comprising the steps of (col. 5, lines 6-14, col. 10, lines 17-25):

- registering a plurality of modality components (an agent registers ... vocabulary; col. 7, lines 30-34 and col. 17, lines 18-44), wherein each modality component handles an interface

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modality for an application (a collection ... current inputs; col. 7, lines 13-19 and services that it provides, handler, task; col. 12, lines 19-30, lines 46-49, and col. 17, lines 18-44),

- connecting an activated modality component to a device (user interface agent ... current inputs; col. 7, lines 13-19); and

- conveying a user interaction from the device to the modality component for processing (when a facilitator ... facilitator; col. 7, lines 36-43).

As to claim 2, Cheyer teaches the modality component is registered with a modality component server (Facilitator 402 is a specialized server agent; col. 6, lines 31-33 and 45-46 and see Figs. 3-4), the method further comprising the step of placing results from the user interaction onto a shared memory area of the modality component server (read or write shared data on the facilitator; col. 7, lines 47-50).

As to claim 3, Cheyer teaches for each modality component, establishing a list of activation conditions (capabilities, triggers, tasks; col. 17, lines 18-40 and conditions; col. 22, lines 21-23) such that at least one operation of the modality component is fired when one of the activation conditions is detected (client agent performed the requested service; col. 18, lines 36-45 and col. 7, lines 41-43).

As to claim 4, Cheyer teaches wherein at least one of the plurality of modality components is remotely located from the device (a user interface ... sending requests to the facilitator ... remote application; col. 8, lines 1-14).

As to claim 6, Cheyer teaches wherein at least one of the plurality of modality components is disposed within the device (user interface agent runs on the user's local laptop; col. 8, lines 2-4).

As to claim 7, Cheyer teaches a modality component server comprising:

- a modality activator configured to dynamically activate at least one modality component responsive to an occurrence of an application event (a user interface agent; col. 7, lines 13-18 and col. 8, line 2-7), and

- a multimodal engine configured to detect an interaction and to responsively initiate an interaction response, wherein the interaction and the interaction response have been specified by a previously registered modality component (Facilitator agent; col. 16, line 62 - col. 17, line 2 and col. 18, lines 54-66).

As to claim 8, Cheyer teaches wherein a plurality of modality components are simultaneously utilized, wherein the plurality of modality components specify a plurality of interactions and associated interaction responses, and wherein the multimodal engine is configured to detect any of the plurality of interactions and to responsively initiate an programmatic action (col. 18, lines 54-66 and col. 7, lines 41-48)

As to claim 9, see rejection of claim 5 above.

As to claim 10, Cheyer teaches the multimodal engine is configured to manage multimodal interactions involving multiple modality components (col. 7, lines 13-18 and col. 8, lines 7-14 and col. 10, lines 16-25).

As to claim 11, Cheyer teaches the multimodal engine further comprising:

- a shared memory area (inherent from read and write shared data on the facilitator or other agent that maintain shared data; col. 7, lines 45-50),

- a list of activation conditions (capabilities, triggers, tasks; col. 17, lines 18-40 and conditions; col. 22, lines 21-23), and

- an inference engine configured to run at least one activation condition from the list of activation conditions based on a current state of the shared memory area (Facilitator agent; col. 16, line 62 - col. 17, line 2 and col. 18, lines 54-66).

As to claim 12, it is the same as the method claim of claim 1 and is rejected under the same ground of rejection.

As to claims 13-15 and 17, see rejections of claims 2-4 and 6 above.

As to claim 18, it is the same as the method claim of claim 1 above and is rejected under the same ground of rejection.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheyer et al (U.S. 7,069,560 B1) in view of Pasternack et al (U.S. 6,859,451 B1).

As to claim 5, Cheyer does not explicitly teach wherein the device lacks available resources to locally execute at least one function that is handled by the remotely located modality component. However, Pasternack teaches the device lacks available resources to locally execute at least one function that is handled by the remotely located modality component (col. 2, lines 53-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Pasternack to the system of Cheyer because Pasternack provides advantages of having multimodal capability in the server rather only in the user's terminal include it enables advanced services to be offered to "thin" clients, and it enables new capabilities to be added to services without having to distribute software to user's browser (col. 2, lines 49-67).

As to claim 16, see rejection of claim 5 above.

Conclusion

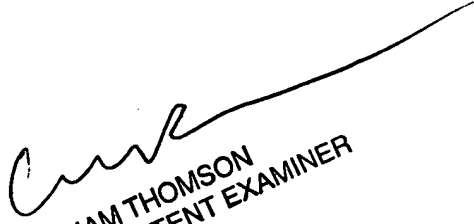
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC
March 24, 2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER